THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.24067 of 1998

DATED:12.07.2006

Between:

Sk.Mastanvali

..Petitioner

And

The Member Secretary APSEB, Viduth Soudha, Somajiguda, Hyderabad.And another

..Respondents

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.24067 of 1998

ORDER:

The petitioner claims the benefit under B.P.Ms.No.36, dated 18.05.1997, as an Ex-casual labourer. He was interviewed on 23.07.1997, in pursuance of the directions issued by this Court in W.P.No.14144 of 1997, dated 04.07.1997. However, he was informed through a letter, dated 27.03.1998, stating that he was found unfit to be engaged as a Junior Plant Attendant. The petitioner challenges the same.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

The respondents formulated a scheme in B.P.Ms.No.36, dated 18.05.1997, providing for employment of Ex-casual labourer. The petitioner was found to be one such person. In the matter of regularization of services, he was considered for the post of Junior Plant Attendant. The petitioner happens to be a physically handicapped person. He was not selected on the ground that he does not know cycling. It is stated that fitness to such a minimum is necessary for that post

The consideration of Ex-casual labourer is not required to be against any particular vacancy. The right is conferred upon the concerned individuals to be considered against one post or the other. There is no point in considering the physically handicapped person against a post, which requires physical fitness. It is not as if there are no vacancies in which persons with such disability can work.

For the foregoing reasons, the Writ Petition is disposed of, directing the respondents herein to consider the case of the petitioner against a post in which a person with the handicap, being

suffered by the petitioner, can be appointed. This exercise shall be completed within a period of six months from the date of receipt of a copy of this order. There shall be no order as to costs.

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L. NARASIMHA REDDY, J

12th July 2006.

GJ